

FILED

NOV 01 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION  
12

13 UNITED STATES OF AMERICA

14 v.

15 WILBERT WILLIAMS,

16 Defendant.  
17

No. CR 05-00130 DLJ

18 UNITED STATES OF AMERICA,

19 v.

20 KENNETH ALLEN and  
21 WILBERT WILLIAMS,

22 Defendants.  
23

No. CR 05-00131 DLJ

STIPULATION AND [PROPOSED]  
ORDER TO EXCLUDE TIME UNDER  
SPEEDY TRIAL ACT

Oakland Venue

24 UNITED STATES OF AMERICA,

25 v.

26 WILBERT WILLIAMS,

27 Defendant.  
28

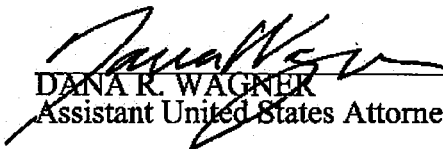
No. CR 05-00132 DLJ

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Defendants Kenneth Allen and Wilbert Williams were scheduled to appear before the Court for status or trial setting on October 28, 2005. Recently, however, counsel for all parties have agreed in principle to plea agreements that will resolve the outstanding charges in the captioned cases. Thus, rather than proceed with a status or trial setting appearance, the parties respectfully request that these matters be calendared for changes of plea on November 8, 2005, at 10:00 a.m. During the intervening time period, counsel for the United States will secure the required approval for the proposed plea agreements, and defense counsel will consult with their respective clients and review the terms of the proposed agreements with them. The parties agree that this time period is necessary to provide the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree, and hereby stipulate, that the ends of justice are served by the Court excluding this portion of time from the calculation of time under the Speedy Trial Act. The ends of justice served by excluding that time period outweigh the best interests of the public and the Defendants in a speedy trial, in accordance with Title 18, Section 3161(h)(8)(A).

SO STIPULATED:

Dated: 10/31/05

  
DANA R. WAGNER  
Assistant United States Attorney

Dated: \_\_\_\_\_

ROBERT WAGGENER  
Attorney for Defendant Wilbert Williams

Dated: \_\_\_\_\_

RICHARD A. TAMOR  
Attorney for Defendant Kenneth Allen

10/28/2005 13:35 0108/441/4  
001-28-2005 11:35

Defendants Kenneth Allen and Wilbert Williams were scheduled to appear before the Court for status or trial setting on October 28, 2005. Recently, however, counsel for all parties have agreed in principle to plea agreements that will resolve the outstanding charges in the captioned cases. Thus, rather than proceed with a status or trial setting appearance, the parties respectfully request that these matters be calendared for changes of plea on November 8, 2005, at 10:00 a.m. During the intervening time period, counsel for the United States will secure the required approval for the proposed plea agreements, and defense counsel will consult with their respective clients and review the terms of the proposed agreements with them. The parties agree that this time period is necessary to provide the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree, and hereby stipulate, that the ends of justice are served by the Court excluding this portion of time from the calculation of time under the Speedy Trial Act. The ends of justice served by excluding that time period outweigh the best interests of the public and the Defendants in a speedy trial, in accordance with Title 18, Section 3161(h)(8)(A).

SO STIPULATED:

Dated: \_\_\_\_\_

DANA R. WAGNER  
Assistant United States Attorney

Dated: \_\_\_\_\_

ROBERT WAGGENER  
Attorney for Defendant Wilbert Williams

Dated: 10/28/05

  
RICHARD A. TAMOR  
Attorney for Defendant Kenneth Allen

For the reasons set forth above, the appearance for these related cases scheduled

Defendants Kenneth Allen and Wilbert Williams were scheduled to appear before the Court for status or trial setting on October 28, 2005. Recently, however, counsel for all parties have agreed in principle to plea agreements that will resolve the outstanding charges in the captioned cases. Thus, rather than proceed with a status or trial setting appearance, the parties respectfully request that these matters be calendared for changes of plea on November 8, 2005, at 10:00 a.m. During the intervening time period, counsel for the United States will secure the required approval for the proposed plea agreements, and defense counsel will consult with their respective clients and review the terms of the proposed agreements with them. The parties agree that this time period is necessary to provide the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree, and hereby stipulate, that the ends of justice are served by the Court excluding this portion of time from the calculation of time under the Speedy Trial Act. The ends of justice served by excluding that time period outweigh the best interests of the public and the Defendants in a speedy trial, in accordance with Title 18, Section 3161(h)(8)(A).

SO STIPULATED:

Dated: \_\_\_\_\_

DANA R. WAGNER  
Assistant United States Attorney

Dated: 10/31/05

ROBERT WAGGENER  
Attorney for Defendant Wilbert Williams

Dated: \_\_\_\_\_

RICHARD A. TAMOR  
Attorney for Defendant Kenneth Allen

1 For the reasons set forth above, the appearance for these related cases scheduled  
2 for October 28, 2005, is hereby VACATED, and the cases shall be calendared for  
3 changes on plea on November 8, 2005, at 10:00 a.m. Furthermore, for the reasons set  
4 forth above, the Court finds and holds that the ends of justice served by excluding the  
5 time from October 28, 2005, to November 8, 2005, outweigh the best interests of the  
6 public and the Defendants in the rights set forth under the Speedy Trial Act. See 18  
7 U.S.C. § 3161(h)(A). IT IS THEREFORE ORDERED that the time from October 28,  
8 2005, to November 8, 2005, shall be excluded for the purposes of computing time within  
9 the Speedy Trial Act.

10 IT IS SO ORDERED:

11  
12  
13 Dated: 11-1-05

  
\_\_\_\_\_  
D. LOWELL JENSEN  
United States District Judge